APPENDIX

IN THE SUPREME COURT OF THE UNITED STATES

No. 02-132

MOBIL CORPORATION and
HONEYWELL INTERNATIONAL INC.,
Petitioners,

v.

BRUCE W. ADKINS, *et al.*,
Respondents.

COMMONWEALTH OF PENNSYLVANIA)
) SS:
COUNTY OF ALLEGHENY)

AFFIDAVIT OF THEODORE GOLDBERG

THEODORE GOLDBERG, being duly sworn according to law, deposes and says:

1. I am an attorney licensed to practice law in Pennsylvania and West Virginia, and I am a member of the bar of the United States Supreme Court.
2. I am counsel for a substantial number of plaintiffs in the consolidated actions styled as *In Re: Asbestos Litigation*, pending in the Circuit Court of Kanawha County, West Virginia at No. 01-C-9000 (the "Litigation"), which is the subject of the above-captioned case.
3. I have been closely involved in settlement negotiations in the Litigation, and I have personal knowledge of the status thereof.
4. Following extensive recent settlement activity, only six defendants remain in the "common issues" phase of trial

(the "Common Issues Trial") now underway. Those defendants are: Mobil Oil Corp., Union Carbide Corp., Rhone-Poulenc AG Co., Borg Warner Automotive, Inc., Graybar Electric Co., and Vimasco Corp. All six remaining defendants are products liability defendants.

5. One of the six defendants, Union Carbide Corp., is also the sole remaining premises liability defendant in the Common Issues Trial.

6. Because the sole remaining premises liability defendant is also one of the products liability defendants, the products liability and premises liability trial groups have been consolidated in the Common Issues Trial. The parties completed opening statements in the Common Issues Trial on September 26, 2002, and commenced putting on evidence today, September 27, 2002.

7. On information and belief, Union Carbide Corp. is also one of only a few defendants remaining in the West Virginia employer liability trial group in the Litigation, scheduled for trial in December, 2002; and fewer than 100 plaintiffs remain in that trial group.

8. All claims in the Litigation against Honeywell International Inc., one of the Petitioners in the above-captioned case, have been resolved by settlement. As part of the settlement, counsel for Honeywell International Inc. expressly agreed to withdraw its Petition for Writ of Certiorari herein.

FURTHER AFFIANT SAYETH NAUGHT.

/s/ _____
Theodore Goldberg

Sworn to and subscribed before me
this 27th day of September, 2002.

[SEAL]_____
Notary Public